

**Planning Commission
Staff Report**
July 20, 2017



Case No:	17AMEND1002
Project Name:	LDC Text Amendment – Commercial Town Center Zoning Districts & Conditional Use Permits
Applicant:	City of Jeffersontown
Case Manager:	Stephen Rusie, AICP, City of Jeffersontown

REQUEST

Hold a public hearing and recommend action on an amendment to the text of the Land Development Code (LDC) regarding new Zoning Districts & Conditional Use Permits for use in the Town Center Form District.

ACTIONS OF JEFFERSONTOWN CITY COUNCIL

June 20, 2017 – The Jeffersontown City Council voted to approve the first reading of Ordinance #'s 1368, 1369 and 1370 Series 2017 and forwarded the proposed LDC Text Amendment to the Louisville & Jefferson County Metro Planning Commission for a Public Hearing.

LDC TEXT AMENDMENT

The following is the proposed LDC text amendment for the City of Jeffersontown.

2.4.8 CTC-2 Commercial Town Center – 2, limited to the Town Center Form District

A. Permitted Uses:

- ABC-licensed establishments, holding a license that allows consumption of alcoholic beverages on the premises. Where dancing or entertainment is allowed within a building.
- Accessory buildings or uses: those uses which are subordinate, customary and incidental to the primary use, provided that, if a use is customary only in a less restrictive zone, and is of a magnitude that may generate significant impacts, it shall not be an accessory use
- Antique shops
- Athletic facilities
- Audio/video recording studios, providing the building is sound proof
- Automobile parking areas, public & private
- Bakeries, retail (all products produced to be sold on the premises only)
- Banks, credit unions, savings and loans, check cashing services and similar financial institutions
- Barber shops
- Beauty shops
- Bed and Breakfasts
- Bicycle sales and service
- Billiard parlors; game rooms and similar entertainment uses
- Bookstores
- Bowling alleys, provided the building is sound proof

Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere
Churches, parish halls, and temples
Clothing, dry goods and notions stores
Clubs, private, non-profit or proprietary
Colleges, schools and institutions of learning, not for profit
Computer sales (hardware and software) and programming services
Confectionery, ice cream or candy stores, retail; no more than 50% of the floor area shall be used for production of food items for off premises sale
Convenience groceries
Convents and monasteries
Dance halls
Dancing instruction
Day care centers, day nurseries, nursery schools and kindergartens
Department stores
Dressmaking or millinery shops
Drug stores
Dwelling, Multiple family
Dwelling, Single-family (Only when located above a non-residential first floor use)
Dwelling, Two-family (Only when located above a non-residential first floor use)
Electric appliance stores
Engraving, watchmaking, and jewelry manufacturing, where products are sold on premises
Establishments holding a retail malt beverage license, but that do not allow consumption on the premises.
Establishments holding a distilled spirits and wine retail package license, but holding no other ABC licenses that allow consumption on the premises.
Exposition building or center or Rental Hall
Florist shops
Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a service customarily carried on as a business.
Funeral homes
Furniture stores
Grocery stores, including fruit, meat, fish, and vegetable
Hardware and paint stores
Health spas
Home occupations
Hotels and motels, including ancillary restaurants and lounges, enclosed in a structure, in which dancing and other entertainment (not including adult entertainment activities as defined in Section 4.4.1) may be provided.
Ice storage houses of not more than five (5) ton capacity
Interior decorating shops
Jewelry stores
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries
Micro-breweries and micro-distilleries (where production activities occur indoors in a space 5,000 square feet or less)
Music and vocal instructions
Music stores
Office, business, professional and governmental
Parks, playgrounds, and community centers
Pet shops
Photocopying, duplicating, paper folding, mail processing and related services
Photographic shops
Photography studios
Picture Framing
Public transportation passenger terminals
Public utility buildings and facilities

Radio and television stores

Rental businesses offering items whose sale is a permitted use in this district, video and similar products, rental and sales but not constituting an adult video rental center

Residential care facilities

Restaurants, where food and drink may be served or consumed outside as well as inside a building; and where dancing or entertainment is allowed within a building

Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the business conducted on the premises, and provided that not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes

Rubber stamp manufacturing, where products are sold on premises

Shoe repair shops

Shoe stores

Stationery stores

Tailor

Tea rooms and cafes

Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of one year from the time of erection of such temporary buildings, whichever is sooner

Tents, air structures and other temporary structures intended for occupancy by commercial activities including but not limited to sales, display, and food services, provided that applicable building and fire safety codes are met, and provided further that such structures may not be installed for a period (or periods totaling) more than ten (10) days during a calendar year.

Theaters, enclosed within a building

Toy and hobby stores

Tourist homes

Upholstery and furniture repair shops

Variety stores

Veterinary hospital, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building

Wearing apparel shops

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density And Far

1. Maximum Floor Area Ratio:.....5.0
2. Maximum Density:
 - a. For 0 bedroom dwelling units only.....435 dwellings per acre
 - b. For 1 bedroom dwelling units only.....217 dwellings per acre
 - c. For 2 or more bedroom dwelling units only145 dwellings per acre

Use Mix - - Office and Residential Uses – When authorized by the form district regulations, a specified percentage of any development site may be allocated to residential development without any corresponding decrease in the maximum allowable square footage or intensity of nonresidential uses allowed in the underlying zone district, provided that all other development standards set forth in this code are complied with. In addition, when authorized by the form district regulations, office and residential uses situated above ground level retail uses are permitted and shall be excluded from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.

E. For use in other Chapters/Sections of the code where the CTC-2 Zoning District is not listed the requirements for the C-2 Zoning District shall be used including for outdoor storage and display.

2.4.7 CTC-1 Commercial Town Center – 1, limited to the Town Center Form District

The following provisions shall apply in the CTC-1 Commercial Town Center District unless otherwise provided in these regulations:

A. Permitted Uses:

ABC-licensed establishments, holding a license that allows consumption of alcoholic beverages on the premises and where dancing or entertainment is allowed provided that all activities are in a building
Accessory buildings or uses: those uses which are subordinate, customary and incidental to the primary use, provided that, if a use is customary only in a less restrictive zone, and is of a magnitude that may generate significant impacts, it shall not be an accessory use

Automobile parking areas, public and private

Antique shops

Athletic facilities

Audio/video recording studios, providing the building is sound proof

Bakeries, retail (all products produced to be sold on the premises only)

Banks, credit unions, savings and loans, check cashing services and similar financial institutions

Barber shops

Beauty shops

Bed and Breakfasts

Bicycle sales and service

Billiard parlors; game rooms and similar entertainment uses

Boarding and lodging houses

Bookstores

Bowling alleys, provided the building is sound proof

Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere

Churches, parish halls, and temples

Clothing, dry goods and notions stores

Clubs, private, non-profit or proprietary

Colleges, schools and institutions of learning, not for profit

Computer sales (hardware and software) and programming services

Confectionery, ice cream or candy stores, retail; no more than 50% of the floor area shall be used for production of food items for off premises sale

Convenience groceries

Convents and monasteries

Dance halls

Dancing instruction

Day care centers, day nurseries, nursery schools and kindergartens

Department stores
Dressmaking or millinery shops
Drug stores
Dwelling, Multiple family
Dwelling, Single-family (Only when located above a non-residential first floor use)
Dwelling, Two-family (Only when located above a non-residential first floor use)
Electric appliance stores
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Establishments holding a retail malt beverage license, but that do not allow consumption on the premises.
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Exposition building or center, or Rental Hall
Florist shops
Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a service customarily carried on as a business.
Funeral homes
Furniture stores
Grocery stores, including fruit, meat, fish, and vegetable
Hardware and paint stores
Health spas
Home occupations
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Public transportation passenger terminals
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Rental businesses offering items whose sale is a permitted use in this district, video and similar products, rental and sales but not constituting an adult video rental center
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Restaurants, where food and drink may be served or consumed and where dancing or entertainment is allowed provided that all activities are in a building
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Rubber stamp manufacturing, where products are sold on premises
Shoe repair shops

Shoe stores
 Stationery stores
 Tailor
 Tea rooms and cafes
 Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of one year from the time of erection of such temporary buildings, whichever is sooner
 Tents, air structures and other temporary structures intended for occupancy by commercial activities including but not limited to sales, display, and food services, provided that applicable building and fire safety codes are met, and provided further that such structures may not be installed for a period (or periods totaling) more than ten (10) days during a calendar year.
 Theaters, enclosed within a building
 Toy and hobby stores
 Tourist homes
 Upholstery and furniture repair shops
 Variety stores
 Veterinary hospital, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building
 Wearing apparel shops

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

D. Maximum Density And Far

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E. For use in other Chapters/Sections of the code where the CTC-1 Zoning District is not listed the requirements for the C-1 Zoning District shall be used including for outdoor storage and display.

4.2.51 Outdoor Alcohol Sales and Consumption and Outdoor Entertainment:

Outdoor alcohol sales and consumption and/or outdoor entertainment may be permitted in the CTC-1 zoning district and outdoor entertainment may be permitted in the CTC-2 zoning district, upon the granting of conditional use permit and compliance with the listed requirements.

- A. All outdoor areas for the sale and consumption of alcohol and/or outdoor entertainment must have designated boundaries.
- B. Outdoor dining areas within the public right-of-way must receive approval from the City of Jeffersontown, Kentucky, and shall be designed in accordance with City's standards.
- C. Outdoor dining areas and/or outdoor entertainment within the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way.
- D. Outdoor dining areas that include the sale and consumption of alcohol and/or outdoor entertainment areas within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of residentially used or zoned property. The continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementation Standards). Temporary outdoor sale and consumption areas during the Gaslight Festival that are in compliance with the Jeffersontown Gaslight Festival District regulations and hold a Special Festival Permit are exempt from this requirement.
- E. The use of outdoor dining areas for the sale and consumption of alcohol and/or outdoor entertainment shall cease by 12 A.M.
- F. The board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific restaurant.

4.2.52 Restaurants with Drive-Through Facilities:

Restaurants with drive-through windows may be permitted in the CTC-1 and CTC-2 zoning district, upon the granting of conditional use permit and compliance with the listed requirements.

- A. Drive-Through windows shall be limited to 1 lane.
- B. Building(s) must be located within the Town Center Form district minimum/maximum setbacks per Chapter 5.
- C. Buildings on corner lots must hold the corner per Chapter 5.5.1.A.2.
- D. Drive-Through Facilities must meet the queuing requirements of Chapter 9.1.14.

APPLICABLE PLANS AND POLICIES

These amendments to the LDC text are consistent with the following guidelines of Cornerstone 2020.

1. Town Center Form District, Guideline 1.B.5,

The town center form typically has a compact mixture of moderately intense uses including shopping, restaurants, offices and residences. In its most traditional form, the Town Center ordinarily includes civic uses, such as libraries, government offices, police or fire stations and religious facilities.

The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. More intense uses in the town center are located in close proximity to the major thoroughfare, and the intensity of use gradually declines toward the adjacent neighborhoods.

Town Centers are easily disrupted by new forms of development. Therefore the harmony and compatibility of infill and redevelopment in town centers should receive special attention. The establishment of new town centers requires a high level of planning and design.

2. Centers, Guideline 2, Items 5 & 7

5. **Mixture of Compatible Uses.** Encourage activity centers to include a mixture of compatible land uses (in order to reduce traffic congestion by requiring fewer trips), allow alternative modes of travel and encourage vitality and a sense of place.
7. **Desirable Uses in Centers.** Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.

3. Compatibility, Guideline 3, Item 1

1. **Compatibility.** Ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code.

NOTIFICATION

Notification of the Planning Commission public hearing has been conducted in accordance with KRS 100 requirements. Notice was published in the Courier-Journal on July 5th, 2017.

CITY OF JEFFERSONTOWN STAFF CONCLUSIONS

The text amendments will provide new tools for the City of Jeffersontown to use in the revitalization of the existing Town Center, by allowing compatible uses that will not disrupt the pattern of development and still provide protections for nearby residential properties. The new Zoning Districts and Conditional Use Permits will allow for uses that allow for the minimization of curb cuts, allow for a higher level of planning & review for those businesses that require drive-through windows and preventing uses that disrupt the pedestrian friendly style of development that is encouraged in a town center.